

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**MICHAEL COREY JENKINS, et al.**

**PLAINTIFFS**

**v.**

**CAUSE NO. 3:23cv374-DPJ-ASH**

**RANKIN COUNTY, MISSISSIPPI, et al.**

**DEFENDANTS**

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**MOTION FOR DISCOVERY LIMITED TO QUALIFIED IMMUNITY**

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**NOW COMES** Defendant, Sheriff Bryan Bailey, by and through counsel, and moves this Court for discovery limited to the factual disputes relevant to whether qualified immunity applies to the claims against him by stating as follows:

1. On July 24, 2024, this Court denied Sheriff Bailey's [35] Renewed Motion to Dismiss premised on qualified immunity "as to Plaintiffs' claims of failures to supervise, train, and discipline...." [63] Order, pg. 22.

2. At this stage, Sheriff Bailey can either "(1) '... immediately appeal the district court's denial under the collateral order doctrine' or (2) ' - à la *Lion Boulos* and its progeny - ... move the district court for discovery limited to the factual disputes relevant to whether [qualified immunity] applies, then reassert [qualified immunity] in a summary judgment motion.'" *Asante-Chioke v. Dowdle*, 103 F.4th 1126 (5th Cir. 2024) (quoting *Carswell v. Camp*, 54 F.4th 307, 312 (5th Cir. 2022)).

3. Sheriff Bailey seeks the second option in the instant motion - *i.e.*, limited discovery followed by a Rule 56 motion.

4. In compliance with L.U. Civ. R. 7(b)(10), the undersigned counsel emailed counsel-opposite to determine whether there would be any opposition to the instant motion. Alternatively, the undersigned counsel provided counsel-opposite with a proposed agreed order allowing for QI limited discovery in order to avoid the necessity of filing the instant motion. Plaintiffs' counsel has not responded to the inquiry to date.

5. Due to the straight-forward and simplistic nature of the instant motion and controlling Fifth Circuit precedent, Sheriff Bailey respectfully requests to be relieved from any obligation to file an accompanying memorandum of authorities.

**WHEREFORE, PREMISES CONSIDERED,** Sheriff Bryan Bailey prays that this Court grant his instant motion and set deadlines for discovery limited to his defense of qualified immunity and for pleadings related to a summary judgment motion premised on qualified immunity.

**RESPECTFULLY SUBMITTED,** this 12<sup>th</sup> day of August, 2024.

**SHERIFF BRYAN BAILEY - DEFENDANT**

**BY:** /s/ Jason E. Dare  
**JASON E. DARE**

**OF COUNSEL:**

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